

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA①
8-11-00
SCBI 8942
(Inmate Number)Shawn Jordan
(Name of Plaintiff)P.O. Box A
(Address of Plaintiff)BELLEfonte, PA. 16823

(Case Number)

RECEIVED
SCRANTON

COMPLAINT

vs.

AUG 02 2000

FILED
SCRANTONSCIT Rockview
Robert W. Meyers, SuperintendentMARY E. D'ANDREA, CLERK
PER ML
DEPUTY CLERK

AUG 07 2000

PER ga
DEPUTY CLERK

(Names of Defendants)

13: CV 00-1387

TO BE FILED UNDER: 42 U.S.C. § 1983 - STATE OFFICIALS28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. Previous Lawsuits

- A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

NONE

II. Exhaustion of Administrative Remedies

- A. Is there a grievance procedure available at your institution?
X Yes No
- B. Have you filed a grievance concerning the facts relating to this complaint?
X Yes No

If your answer is no, explain why not

- C. Is the grievance process completed? ✓ Yes ✓ No

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

- A. Defendant Robert W. Meyers, Superintendent is employed
as Superintendent at S C I Rockview
- B. Additional defendants MARTIN F. HORN, Secretary Dept of Corrections
Deputy Supt. DAVID J. WAKEFIELD, DEPUTY Supt. TERRY L. WHITMAN,
HARVEY E. YANCEY Mgr. of the Guards, DANIEL L. WEAVER,
Unit Manager / ASS. GRIEVANCE STEVE MORNINGSTAR
LARRY L. LIDGETT, RN, Health care Administrator.

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. THE D.O.C. ISSUED A Policy ON 5-20-94 THE
POLICY IS 3.6. SUBJECT WAS SMOKING IN BUILDINGS
AS WELL AS HOUSING FACILITIES. THIS POLICY WAS
TO BE EFFECTIVE 8-22-94.
2. PLAINTIFF DOES NOT SMOKE, AND HAS DEVELOPED A RESPIRATORY
DISEASE (ASTHMA). PLAINTIFF NOW HAS TO USE A INHALER.
PLAINTIFF NEVER HAD RESPIRATORY PROBLEMS PRIOR
TO COMING TO S.C.I. ROCKVIEW.
3. THE D.O.C. HAS FORGOTTEN THAT SMOKING IS A
PRIVILEGE AND NOT A CONSTITUTIONAL RIGHT. THE
D.O.C CAN TERMINATE THE SALE AND USE OF TOBACCO
PRODUCTS AT ANY TIME WHICH WILL SIGNIFICANTLY ^{SEE} ATTACHMENT

STATEMENT OF CLAIM CONT.

3rd REDUCE THE HEALTH RISK OF NON-SMOKING INMATES AND STAFF AS WELL.

4. DEFENDANTS, has for YEARS put inmates health at risk Deliberately by exposing inmates to high levels of E.T.S (ENVIRONMENTAL tobacco smoke). Which poses an UNREASONABLE RISK OF SERIOUS DAMAGE to non-smoking inmates and staff health. This is a result of poor ventilation and the continued sales of tobacco products, CAUSING Respiratory illness, CANCER, heart disease.

5. The rights of an individual to protect his or her health shall take precedence over an individual's desire to smoke. It is the responsibility of Unit Managers to assign cell/kiosks to inmates to adequately address his or her smoking preference EVERY attempt should be made to house inmates in a non-smoking cell and or housing area that does not permit smoking.

6. DEFENDANTS are not only putting inmates and Plaintiff at risk deliberately, but also profiting from inmates health by selling tobacco products to inmates throughout the Department of Correction System.

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. ISSUE A RESTRAINING ORDER AGAINST THE
DEFENDANTS TO TERMINATE THE SALES OF ALL
TOBACCO PRODUCTS IN ALL D.O.C BUILDINGS
AND RESTRICT THE PROFITING FROM TOBACCO SALES.
2. AWARD PLAINTIFF MONETARY DAMAGES OF
\$3,000.00 PER DAY FROM EACH DEFENDANT, FOR
EACH DAY THE D.O.C. POLICY 15.3.6 WAS TO BE
EFFECTIVE. FOR MENTAL AND PHYSICAL PAIN AND
SUFFERING. A TOTAL OF \$6,936,000

3.

Signed this 30th day of JULY, 2000.

Shawn Jordan
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

7/30/00
(Date)

Shawn Jordan
(Signature of Plaintiff)

**FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS
COMPLAINT UNDER 42 U.S.C. § 1983 or 28 U.S.C. § 1331**

COVER SHEET

THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.

The cost for filing a civil rights complaint is \$150.00.

If you do not have sufficient funds to pay the full filing fee of \$150.00 you need permission to proceed *in forma pauperis*. However, the court will assess and, when funds exist, immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or
- 2) the average monthly balance in your prison account for the past six months.

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20% of the preceding month's deposits credited to your account until the entire filing fee is paid.

CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.

1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of Court along with the full filing fee of \$150.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you DO NOT have to complete the rest of the forms in this packet. Check here if you are submitting the filing fee with the complaint form. _____

2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. § 1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. Check here if you are filing your complaint under 28 U.S.C. § 1915 without full prepayment of fees.

Please Note: If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS